Dear Paul, 5/26/76

Zbout 4:30 this mroning I heard an item on NBC radion's all-news service that reminded me of I think it is Paul Newman's efforts against the SST. So, before getting into the day's work -

The newscast had the undulcet tones of Ford's show black, the William T. Coleman who parlayed Tomming into becoming a millionaire. Coleman will be a major character in Agent Oswald, of which more below.

The indignant Coleman said that any local regulation relatibg to the SST is illegal, unconstitutional or both. Unless there is some special semantics in this, I personally guaranteed 15 years ago that the Secretary of Commerce is wrong.

While it is always dangerous for a layman to venture into the technicalities of the law, I feel safe in these aspects:

States do have rights, state laws are applicable, and this has been affirmed by the Supreme Court.

My approach in court included applicable state law. The federal judge ruled in my favor. The government announced an appeal and what I did not know for years,when the time for appeal ran out got an extension. They spent 4 four months deciding whether or not to appeal and then decided not to appeal my case. It thus became precedent, lacking challenge. The best know and perhaps most novel part was using property rights in this property-oriented society. I sued them for tresspass.

Several years later, when I was searching for a lawyer who would prepare his case, the Washington King of Torts declined on the silly ground of limitation by law to a 20% fee. He said he cauld get all the cases he could handle at 33% so why take 'em at 20%. Arithmetic was not his forte. He took a case for a friend of mine, collected $5,000, an didn't get the cost of his time back. Anyway, this is how I know.

"Mr. Weisberg, you are a famous man in the law books," he told me. I was surprised and asked him how come, how could I be and not know it? (This also says something of my first lawyer, doesn't it?) He took me into his library and read me excerpts for a decision in the case that went to the Supreme Court using mine as precedent. I don't remember the name of the case, but I think it was something like Western Penna. Property Owners vs. Pittsburgh or Allegheny County, Pa. If this decision has been reversed I am unaware of it. It establishes the applicability of state law because I sued under violatoon of State law as well as my Constitutional rights to enjoy my property. (Arbitrarily the judge held in my case I owe the air to 800feet.)

I'm not going to be able to follow the new SST stuff closely. I heard on TV last night that the decibel level on takeoffs was 120. Based on old data this is a very dangerous level, one at which there can be mechanical injury, too. If anybody wants it I have an old basic text , Handbook of Noise Control, 20 years old but standard. However, as I think I have indicated before, basing successful action and legal approaches on the decibel level alone is a looser, as Coleman's reaction and even the permission for the experiment with humans show. If I have no way of knowing what the current crop of ecologists are doing, I'm sure they have not taken the approach I would, again adjusted to the orientation of our society. (If they had there would have been headlines.) There should be an emphatic psychological orientation, focused on interference with and impairment of sex. It is real. Animals and humans both. I learned it first with my chickens, where decibel level was not a factor at all, really. In the course of preparing for the second successful suit vs the government (it won't be in lawbooks because they settled out of court) I found this in scientific literature, even EPA hearings. I went this far: I located a farout woman who is also a mathemetician who had testified without saying that noise had wrecked her sex life, made it impossible for

her. In our correspondence I finally got her to admit it, in some detail when she learned to trust me.More, because she is both a mathemetician and a musician, she was able to do the fantastic with infrasound. (This was, I think, new to me. I was aware of the possibilities of ultrasound.)

If the ecologists can get the men who run this country to worry about the possibility of their sex-lives being ruined, of womnn being turned off, Coleman's pontifications about state's rights will carry no weight. Especially if fortified by the fear of financial loss by American carriers who can lose much with SSTs creaming any appreciable part of the trans-Atlantic business. And with the Pacific next. Meaning L.A., too.

The entire concept is monstrous to me, that people must suffer in masses for the minor supposed convenience of an elite. ...

We hit another good judge in court yesterday, as the enclosures indicate. I am optimistic about the outcome of the suit for these transcripts now. There weredelicious subtleties, I think, in his expressions of faith in the government and the fink U.S. Assistant Attorney. And overt humor when Jim was pressing a point and he interrupted the youthful looking Jim to say,"Mr. Lesar, learn to quit when you are ahead. You are winning." We really wanted to depose these liars of the CIA and Archives, and that motion was at issue. The judge made an offer of his own, not what we want: the government really would respond to our interrogatories and we can file other sets. Before he ruled on deposing, which we can't afford anyway, he asked Jim how he felt. Jim asked, MYa I speak to my client?" In the five second it took him to get back tox the counsel table I had decided:"Do whatever you think is going to make him happiest. I'll take my chances with him." Jim accepted. Then the judge explained himself. First. he would go over the unanswered interrogatories and rule. The Asistant US Attorney (ASUS) had siad he'd ask his clients to repond. Ask nothing the judge said, I'm ordering. That is the way it should be. They went over them, we just sat back in silence, and the order was to respond to all but two. Those he'd hold in abeyance. After that we file the new ones. They have ten days. Then the judge said if these are not responsive I'll have that witness room filled out there. So, I don't see the CIA risking this. Nor do I see the Archivist subjecting himself to my cross-examination. Meaning Jim's with my knowledge and his record with me, personally. We will not push on this now. We want a fine record and time to make and perfect it. I think hitting two straight of the better judges is an indication they want to straighten this all out, that they are sick and tired of the burden the government dumps on them with phoney responses and footdragging on compliance. The AUSA was Ryan, the same bastard of whom you read inPost Mortem. And this ruling means that we can require responses from non-respondents in the suits. This suit is not on paper against the CIA. Our first interrogatories addressed to CIA will be the questions omitted in their affidavit, what is required at the outset of any affidavit.

On Agent Oswald, to which everyone wants me to return but nobody tells me how I can: for the fall term, if I can pay him, Howard is willing to come up and be my research assistant. He is going back to law school for the June semester, after whatever his publisher arranges by way of promotions, nothing to date. I plan to return to it as soon as I finish the draft of The King Conspiracies, but it will be much slower and much less inclusive without the help for which Howard is uniquely suited. I'll have to do it more off the top of the head, the reasons including the difficulty I have getting into my lower files. To now I see no reason to alter thestructure of the book. I'll have some changes to make, minor ones, in what I've written. I can carry on from there.

I take it you left W-O without seven layers of clouds below you. If you learned what turned them to stealing when buying and honesty were cheaper and better, I'd like to know. I'll clip and send the Post story on yesterday's SST in case you know anyone who'd like it.

Best,